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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,595	08/06/2003	Robert D. Ohler	71,001-005	1383

27305 7590 11/16/2005

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EXAMINER

AVERY, BRIDGET D

ART UNIT PAPER NUMBER

3618

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/635,595		OHLER, ROBERT D.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Bridget Avery		3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 9/01/05.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3, 20 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Eckert (US Design Patent 476,267).

Eckert teaches a snow sled including a body having front and rear ends, sides and top and bottom surfaces and an axis (defined by the runner in the center of the sled) extending longitudinally from said front end to the rear end dividing said body into two longitudinal symmetrical halves, and a pair of ground-engagable steerable front runners extending in the longitudinal direction along the bottom surface from the front end toward the longitudinal middle of the body, as clearly shown in Figures 2-4, and disposed on opposite sides of said axis, the front runners curving upwardly and outwardly toward the front end of the sled to enable steering of the sled in response to engaging the upwardly and outwardly curving front runners with the ground; at least one rear runner (applicant's attention is directed to the short straight center runner) extending longitudinally straight along the bottom surface from the rear end toward the middle of the body, and a major portion of the extent of the front runners being devoid of longitudinal overlap with the at least one rear runner and a major portion of the extent of

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the at least one rear runner being devoid of longitudinal overlap with the front runners where the front runners lead into said rear runners, in as much as applicant's illustrated sled, adjacent the middle of the body. Two sets of rear runners are disposed on opposite sides of the longitudinal axis and closer to the longitudinal axis than the front runners. The body includes a downwardly extending center surrounded by a peripheral flange, as clearly shown in Figures 4-6.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4-6 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eckert (US Design Patent 476,267) in view of Stedman (US Patent 4,878,980).

Eckert teaches the features described above including a straight rear runner and two pairs of curved rear runners.

Eckert lacks the teaching of a first and second pair of straight rear runners.

Stedman teaches a board having a first and second pair of straight rear runners disposed on opposite sides of a longitudinal axis. The pairs of rear runners including one set of rear runners having front ends positioned closer to the front end of the sled than the front ends of the other set of rear runners.

Based on the teachings of Stedman, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to replace the first and second pair of curved rear runners taught by Eckert to the first and second pair of straight rear runners to enhance performance and increase speed. Re claim 5, at least one pair of rear runners are disposed closer to the longitudinal axis than the pair of front runners positioned furthest from the longitudinal axis.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eckert (US Design Patent 476,267) in view of Woo (Design Patent 495,391).

Eckert teaches the features described above.

Eckert lacks the teaching of rear runners that taper from the front end to a wide section adjacent the rear end of the sled.

Woo teaches a sled with rear runners that taper from the front end thereof to a wide section adjacent the rear end of the sled.

Based on the teachings of Woo, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify Eckert to include rear runners that taper from the front end thereof to a wide section adjacent the rear end of the sled to enhance the bite of the runners into the sliding surface.

4. Claim 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eckert (US Design Patent '267) and Stedman ('980), as applied to claim 10 above and further in view of Woo (US Design Patent 495,391).

The combination of Eckert and Stedman teach the features described above.

Eckert clearly teaches a tapered straight guide runner on the bottom surface of the sled and disposed on the longitudinal axis, as shown in Figures 1-3.

The combination of Eckert and Stedman lack the teaching of rear runners that taper from the front end to a wide section adjacent the rear end of the sled.

Woo teaches a sled with rear runners that taper from the front end thereof to a wide section adjacent the rear end of the sled.

Based on the teachings of Woo, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the combination of Eckert and Stedman to include rear runners that taper from the front end thereof to a wide section adjacent the rear end of the sled to enhance the bite of the runners into the sliding surface.

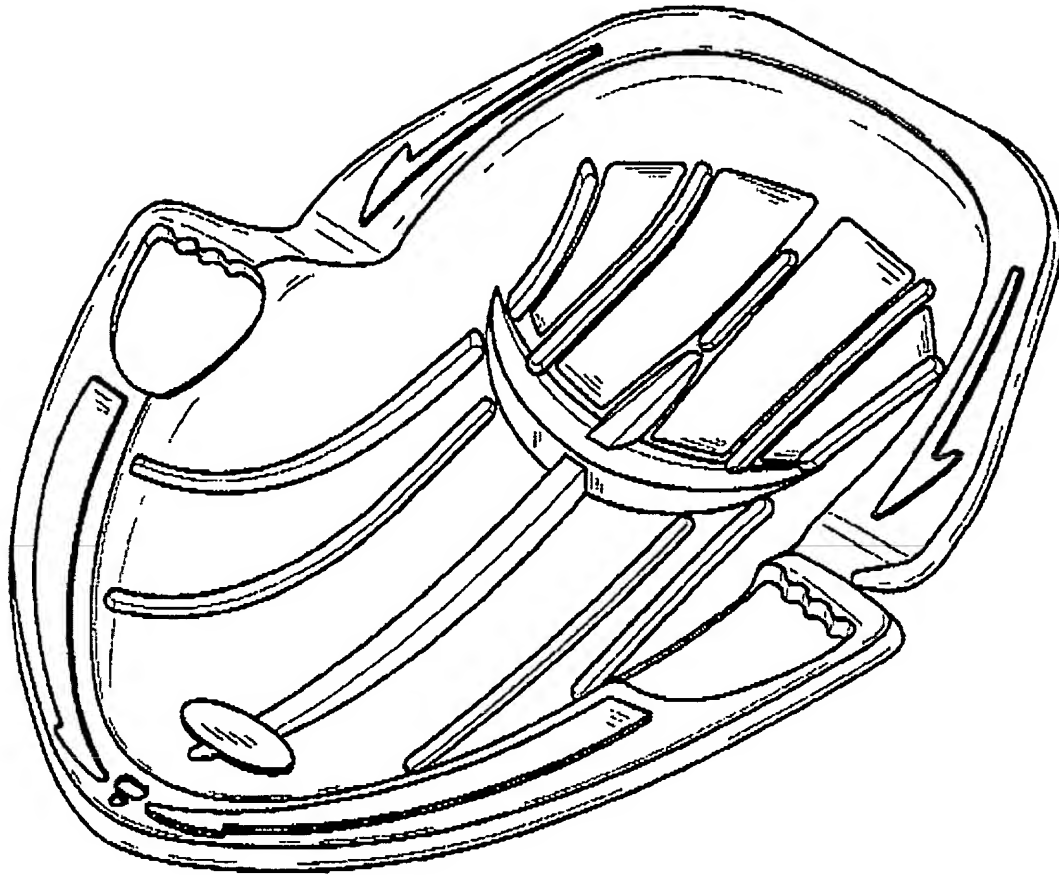


FIG. 1

5. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eckert (US Design Patent '267) in view of Sellers (US Patent 6,776,424).

Eckert teaches the features described above.

Eckert lacks the teaching of a brake ridge.

Sellers teaches a brake ridge (48) adjacent the rear end of the sled body (10).

The brake ridge (48) includes a plurality of teeth separated by a plurality of interleaved

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arches. The brake ridge (48) is disposed on and extending upwardly from an inclined section of the sled body (10). See Figure 4.

Based on the teachings of Sellers, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the sled of Eckert to include a braking ridge to provide the rider with an effective way to create drag and brake the sled for safety. Regarding claim 17, it would have been obvious to one having ordinary skill in the art, at the time the invention was made to extend the rear runners outwardly from the sled body further than the brake ridge to ensure smooth sliding when braking is not desired.

6. Claims 21-23, 26, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eckert (US Design Patent '267) in view of Weeks (US Patent 5,957,471).

Eckert teaches a sled having the features described above. Eckert further teaches a sled having a waisted middle, rear corners and an hourglass-like shape.

Eckert lacks the teaching of a peripheral flange having front corners.

Weeks teaches a sled having front corners to define an hourglass-like shape.

Based on the teachings of Weeks, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the shape of the flange and sled of Eckert to include front corners to create a relatively wide front end surface to facilitate floating of the leading edge of the vehicle as opposed to having a tendency to dig or dive into the snow and to form a relatively wide rear end surface to

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provide a wider seating area on the top deck to ensure the rider that he and his clothing are fully contained with the vehicle and do not slide on the ground, as taught in column 3, lines 3-10.

7. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eckert (US Design Patent '267) and Weeks (US Patent 5,957,471), as applied to claim 23 above, and further in view of Cashmere (US Patent 4,561,664).

The combination of Eckert and Weeks teach the features described above.

The combination of Eckert and Weeks lack the teaching of a leading point on the peripheral flange at the center axis at the front end of the sled and a trailing point on the peripheral flange at the center axis at the rear end of the sled.

Cashmere teaches a sled including a flange with a leading point and a trailing point.

Based on the teachings of Cashmere, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the combination of Eckert and Weeks to include a leading point on the flange at the center axis at the front end of the sled and a trailing point on the flange at the center axis at the rear end of the sled to enhance directional stability of the sled.

8. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eckert (US Design Patent '267) in view of Smith (US Patent 5,687,977).

Eckert teaches the features described above.

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Eckert lacks the explicit teaching of fabricating the sled body of a single sheet of plastic material.

Smith teaches a sled body fabricated of a single sheet of plastic material (see column 9, lines 21-26.

Based on the teachings of Smith, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to fabricate the sled body of Eckert of a single sheet of plastic material to keep manufacturing cost low.

9. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eckert (US Design Patent '267) and Smith (US Patent 5,687,977), as applied to claim 27 above, and further in view of Sellers (US Patent 6,776,424).

The combination of Eckert and Smith teach the features described above.

The combination of Eckert and Smith lack the teaching of a braking ridge.

Sellers teach a braking ridge (48) adjacent the rear end of the sled body (10).

Based on the teachings of Sellers, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the sled of Eckert to include a braking ridge to provide the rider with an effective way to create drag and brake the sled for safety.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 571-272-6691.

  
Avery

November 1, 2005



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